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C O N F I D E N T I A L SECTION 01 OF 02 MOSCOW 002550

SIPDIS

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TAGS: PREL PGOV RS EU GG

SUBJECT: MFA CONTENT WITH EU REPORT ON AUGUST 2008 CONFLICT
IN GEORGIA

REF: A. MOSCOW 2518

¶B. MOSCOW 2446

Classified By: Acting Political M/C David Kostelancik for reasons 1.4 (b), (d)

¶1. (C) Summary. MFA 4th CIS Deputy Director Dvinyanin told visiting EUR/RUS desk officer that Russia was content with the EU's Report on the Conflict in Georgia. Major takeaways included that the August 7-8 aggression had been undertaken by Georgia, and that, in attacking peaceful South Ossetians and killing Russian peacekeepers, Georgia had violated international law. Dvinyanin said Moscow would cite that violation in upcoming international discussions, and bolster its call for an offensive arms embargo against Georgia, noting pre-conflict arms transfers to Georgia. Rejecting the report's findings that Russia used disproportionate force and penetrated too far into Georgian territory, Dvinyanin suggested discussing the report's general recommendations in other fora, such as the OSCE's Corfu process or the NATO-Russia Council. End Summary.

Russia content with report

¶2. (C) MFA 4th CIS Deputy Director Alexey Dvinyanin told visiting EUR/RUS desk officer October 1 that Russia was quite satisfied with the EU's Independent International Fact-Finding Mission report on the Conflict in Georgia and considered Heidi Tagliavini had done a good job. The report was a "good attempt" at being objective and unbiased.

¶3. (C) Stressing that Russia had not initiated the report, Dvinyanin commented that Russia thought four to five months after the war was "a bit late" to establish a commission to study that war's genesis. Still, Russia had provided maps and photos, and Tagliavini visited Moscow three times, each time having separate meetings with MOD General Staff of the Armed Forces. Also, Tagliavini had met with members of Russia's own investigation team, which had produced its own report in the spring.

Russia's takeaways

¶4. (C) Dvinyanin noted that the report contained two "major ideas": first, that the August 7-8 aggression had been undertaken by Georgia; and second, that in attacking "peaceful South Ossetians and Abkhaz," and by killing Russian peacekeepers, Georgia had violated international law. Dvinyanin said Moscow would use that conclusion in upcoming international discussions.

¶15. (C) Dvinyanin went on to say that Moscow had for years argued for an international offensive arms supply embargo against Georgia, and said that the report cited the U.S. and other countries for having transferred arms to Georgia, thus preparing Georgia for its offensive hostilities. The GOR therefore felt justified in continuing its call for an offensive arms embargo applicable for at least the next several years, and would raise the topic in the next Geneva talks.

Criticism of Russia

¶16. (C) Dvinyanin argued that the accusation of "disproportionate use of force" in undisputed Georgia was difficult to judge in a war situation. Although an undefined term in international law, he said, experts agreed that "disproportionate force" classically meant a minimum of threefold superiority in numbers. Given that definition, Georgia had been the first country to use disproportionate force in the conflict, Dvinyanin concluded, as Georgian forces on August 7-8 outnumbered the South Ossetian forces plus the Russian peacekeepers ninefold.

¶17. (C) Dvinyanin also rejected the criticism that Russia had penetrated too far into undisputed Georgian territory, claiming that the Russian forces had only destroyed Georgian military posts that Russia had observed firing into South Ossetian territory. Russia had not targeted military

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positions that had not fired into South Ossetia, or civilians.

Other observations

¶18. (C) Dvinyanin expressed surprise at the low numbers of victims the report listed, but did not challenge them, except to say that there were still unidentified victims, who had to be factored in to the final numbers.

¶19. (C) Although Dvinyanin had so far only read the first volume, he concluded the general recommendations contained in the report were universally applicable. He suggested that they be discussed in other fora such as the OSCE Corfu process, which is to address both conflict settlement and President Medvedev's European Security Treaty proposal, and the NATO-Russia Council.

Comment

¶10. (C) Brushing aside the report's criticism of Russia's behavior in the August conflict (ref A), Russia is ready to use the EU report against Georgia in the Geneva Talks and elsewhere, possibly as part of a grander strategy to make the EU and Russia the main players in addressing continued Georgia issues (ref B).

Beyrle